

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:11-cv-00129-RLV-DCK**

PRIME CHOICE SERVICES, INC.,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
JORDAN GLATT,)
)
Defendant.)

THIS MATTER is before the Court on Defendant Jordan Glatt's Motion for Summary Judgment, filed August 31, 2012, as well as all related memoranda and exhibits filed in support or in opposition thereto. (Docs. 17, 18, 22, 23, 26).

Having reviewed the parties' legal arguments, the evidentiary record, and the applicable law, the Court finds that genuine disputes of fact surrounding the January 6, 2011 conference call exist such that summary judgment disposition is precluded. *See FED. R. CIV. P. 56(a) (2010); Anderson v. Liberty Lobby, 477 U.S. 242 (1986) (applying former version of Rule 56); Celotex Corp. v. Catrett, 477 U.S. 317 (1986) (same).* Accordingly, this matter will proceed to trial during the January 2013 Trial Term, with Calendar Call on Monday, January 7, 2013 at 10:00 am, and Jury Selection on Tuesday, January 8, 2013 at 9:30 am. Motions *in limine* shall be filed no later than Wednesday, January 2, 2013, with responses due on or before Monday, January 7, 2013.

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is
DENIED.

Signed: December 21, 2012



Richard L. Voorhees
United States District Judge

